

# **EXHIBIT D**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JAMES HAYDEN,

CASE NO: 1:17CV2635

Plaintiff,

v.

2K GAMES, INC., et al.,

Defendants.

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Deposition of JAMES HAYDEN

Cleveland, Ohio

Wednesday, October 30, 2019 - 9:04 a.m.

Reported by:

Angela Nixon, RMR, CRR

Job No.: 26345

1 Q. Did you have conversations with him about what  
2 color ink to use?

3 A. Possibly.

4 Q. Did Mr. James tell you why he wanted to have the  
5 lion on the playing card used?

6 MR. MCMULLEN: Objection.

7 A. I can't remember why.

8 Q. Do you think that the lion had some sort of  
9 significance to him?

10 MR. MCMULLEN: Objection.

11 A. Possibly.

12 MR. MCMULLEN: Counsel, we've been going for  
13 almost two hours. Could I suggest that when we get to a  
14 convenience spot here we may take a brief break?

15 MS. CENDALI: I want to do one more related  
16 thing, then we'll take a break.

17 MR. MCMULLEN: Sure, okay.

18 THE WITNESS: Two hours already?

19 MR. MCMULLEN: Almost.

20 THE WITNESS: Wow.

21 BY MS. CENDALI:

22 Q. I want to show you what's been marked as  
23 Defendant's Exhibit 7.

24 A. The Venetian.

25 Q. Do you recognize that image of the lion with the

1 wings and the V as the image on the playing card Mr. James  
2 gave you?

3 MR. MCMULLEN: Objection.

4 A. Do I recognize -- I don't know if I recognize  
5 that.

6 Q. Isn't it true Mr. James gave you a Venetian  
7 playing card?

8 A. I can't remember.

9 MR. MCMULLEN: Objection. Go ahead.

10 BY MS. CENDALI:

11 Q. Isn't it true that the image of the lion on the  
12 playing card looked like the Venetian lion that we're  
13 looking at in Exhibit 7?

14 MR. MCMULLEN: Objection. Can you read that  
15 back?

16 (Whereupon the court reporter read back the  
17 previous question.)

18 A. They look different.

19 Q. How do they look different?

20 A. One's tattooed on skin looks like to me, and they  
21 have different shading and everything.

22 Q. I'm asking you -- I think you may have  
23 misunderstood my question. Let me ask it again.

24 Isn't it true that the image of the lion on the  
25 playing card looked like the image of the lion on Exhibit

1 7?

2 MR. MCMULLEN: Objection.

3 A. If this was the playing card I'd be able to tell  
4 you, but this is not the playing card.

5 Q. I'm asking you whether this looked like the image  
6 on the playing card.

7 MR. MCMULLEN: Objection.

8 A. I can't remember.

9 Q. Do you have any reason to believe that this isn't  
10 the image that was on the playing card?

11 MR. MCMULLEN: Can you read that back, please?

12 (Whereupon the court reporter read back the  
13 previous question.)

14 MR. MCMULLEN: Objection.

15 A. Do I have any reason to believe that this isn't?  
16 I need to see the actual playing card to remember that.

17 Q. Well, do you remember what the playing card  
18 looked like?

19 A. If I saw it, I would.

20 Q. Well, you inked the playing -- you saw the  
21 playing card, I'm asking you how, if at all, did the image  
22 of the lion from the Venetian differ from the image on the  
23 playing card, if at all?

24 MR. MCMULLEN: Objection.

25 A. This was drawn with a marker.

1 Q. I'm not talking about your tattoo. I'm asking  
2 you, Exhibit 7, the Venetian lion, do you recall it  
3 differing in any way from what was on the playing card?

4 MR. MCMULLEN: Objection, asked and answered.

5 A. I can't remember.

6 Q. Did you keep a copy of the playing card?

7 A. No.

8 Q. Did you keep the playing card?

9 A. No.

10 Q. Isn't it true that Mr. James had gone to the  
11 Venetian?

12 MR. MCMULLEN: Objection.

13 A. I don't know.

14 Q. Just to be clear, your -- your testimony is that  
15 you did not copy that -- the Venetian lion when you inked  
16 the lion on Mr. James that's reflected in Exhibit 6; is  
17 that your testimony?

18 MR. MCMULLEN: Objection.

19 A. Could you rephrase it -- state that again.

20 Q. Is it your testimony that you did not copy the  
21 Venetian lion when you inked the lion tattoo on Mr. James,  
22 which is reflected in Exhibit 6?

23 MR. MCMULLEN: Objection.

24 A. They look totally different.

25 Q. So your testimony is you did not copy the